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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,331	03/09/2004	H. Thomas Graef	D-1222 R5	4299
28995	7590	12/16/2005	EXAMINER	
RALPH E. JOCKE walker & jocke LPA 231 SOUTH BROADWAY MEDINA, OH 44256			KUMAR, RAKESH	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/797,331	GRAEF ET AL.
	Examiner	Art Unit
	Rakesh Kumar	3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-18 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 March 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 1 objected to because of the following informalities: Claim 1 on line 15 recites a "cam arm" while the rest of the claims merely state an "arm". Consistent terminology should be used. Appropriate correction is required.
2. Claim 1 objected to because of the following informalities: Claim 1 on line 20 recites a "actuator lever" while the rest of the claims merely state an "lever". Consistent terminology should be used. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Referring to claims 2-6. Claim 2 recites the limitation "an arm" in line 1. It is not clear if this arm is the same as the 'cam arm" or "arm" now recited in claim 1, or another arm. Likewise, it is unclear if the lever set forth in line 1 of the claim 2 is the same as

the actuating lever or lever of claim 1, or another lever. In all of claims 2-6, the antecedent basis for the arm and the lever are unclear.

5. Referring to claims 4-6. Claim 4 recites the limitation "the pivot axis" in line 3.

There is insufficient antecedent basis for this limitation in the claim.

6. Referring to claim 7-15. Claim 7 recites the limitation "the diameter" in line 4.

There is insufficient antecedent basis for this limitation in the claim.

7. Referring to claims 12-15. In claim 12, the recitation of "a flexible end" is unclear because claim 11 recites "each flexible end". It is unclear whether the flexible end in claim 12 is one of the flexible ends of claim 11, or a different element.

8. Referring to claims 13-15. In claim 13, lines 3 and 4, it is unclear whether "the flexible finger" on line 4 is the same element as the "elongated flexible finger" on line 3, or the same as the flexible finger of claim 12.

9. Referring to claims 13-15. In claim 13, lines 4, it is unclear whether "the flanged finger" on line 4 is the same element as the "elongated flanged finger" on line 4.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1, 16 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Swinton et al. (U.S. Patent Number 6,398,108).

11. Referring to claims 1, 16 and 17. Swinton discloses an apparatus including: a media presenter (T) wherein the presenter is adapted for use in an automated banking machine (Col. 1 line 58), wherein the presenter (T) includes a housing (23), wherein the housing (23) includes an outlet (20), wherein the presenter includes a gate arrangement (Figure 13), wherein the gate arrangement includes a gate (20B), wherein the gate (20B) is movable between a closed position and an open position (Figure 8-9; Col. 4 lines 16-36), wherein in the closed position the gate (20B) prevents passage of a currency note stack (27) through the outlet (20; Figure 8), wherein in the open position the gate (20B) permits passage of the currency note stack through the outlet (20; Figure 9), wherein the gate arrangement (Figure 13) includes at least one cam arm (901), wherein the at least one arm (900) is connected to the gate (20B), wherein movement of the at least one arm (900) is operative to move the gate (20B) between the closed position and the open position (Figure 8-9), wherein the gate arrangement (Figure 13)

includes at least one actuator lever (905), wherein the at least one lever (902A) is movable relative to the at least one arm (900), wherein actuation (ram action of solenoid 5) of the at least one lever (902A) is operative to move the at least one arm (900).

Regarding claims 16 and 17, although Swinton does not explicitly disclose a method of using his apparatus, the method steps recited in the claim above would inherently be performed when using the apparatus of Swinton in its usual and expected fashion.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-6,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinton et al. (U.S. Patent Number 6,398,108) in view of Koshida et al. (U.S. Patent Number 5,172,643).

13. Referring to claims 2 and 5. See claim 1. Koshida discloses an apparatus for handling strips of paper using a shutter (14) to open and close outlet opening, wherein an arm (40) is located adjacent to a lever (41), wherein one of the arm (40) and the

lever (41) includes an angled slot (44), wherein the other of the arm (40) and the lever (41) includes a pin (42), wherein the pin (42) is movable in the slot (44) (Figure 4A, 4B).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the gate arrangement (Figure 13) of Swinton to include a pin on arm (900) which is moveable within a slot disposed on a lever (901) to open and close the gate (20B) as disclosed by the teaching of Koshida. By using a pin/slot configuration in the gate the cost can be reduced by not having to pivotally attach the members together as shown in Figure 13 of Swinton.

14. Referring to claims 3 and 18. See claim 1 and 2. Koshida discloses an apparatus for handling strips of paper using a shutter (14) to open and close outlet opening wherein, actuation of the lever (41) causes the pin (42) to move along the slot (44).

15. Referring to claim 4. Swinton discloses an apparatus wherein the arm (900) includes a first arm end (end connected to gate) and a second arm end (end connected to pivot), wherein the first arm end is connected to the gate (20B), wherein the second arm end includes a pivot axis (903), wherein the arm (900) is operative to pivot about the pivot axis (903).

16. Referring to claim 6. Koshida discloses an apparatus wherein the slot (44) is angled upward (Figure 4B), wherein the pin (42) is operative to move upward in the slot (44), wherein the gate (14) correspondingly moves in an opening direction as the pin (42) moves upward in the slot (44) (Figure 4A and 4B).

17. Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Swinton in view of Koshida as applied to claim 2 above, and further in view of Ebihara (U.S. Patent Number 4,787,617).

18. Referring to claim 7. Ebihara discloses an dispensing apparatus wherein the presenter includes a roller shaft having plural rollers (13) thereon, wherein each roller includes an outer circumferential surface having a center portion and tapering portions (Figure 4), wherein the center portion is located between tapering portions, wherein the diameter of each tapering portion (surface of roller 13) narrows in a direction extending away from the center portion (Figure 4).

Swinton discloses and apparatus wherein a feeding mechanism (42, 44) is located adjacent the dispensing outlet (20).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the apparatus of Swinton to include multiple rollers with a surface profile which is tapered to both sides of the rollers as taught by Ebihara. As a result multiple tapered rollers provide better surface contact and reduce slippage as the media is being dispensed through the outlet.

19. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Swinton in view of Koshida in view of Ebihara as applied to claim 7 above, and further in view of Adelberger (U.S. Patent Number 4,462,509).

20. Referring to claim 8. Adelberger discloses a currency dispenser apparatus wherein the presenter includes a plurality of belts (100-103), wherein each center portion supports a belt thereon (Figure 5 and 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the dispensing mechanism as disclosed by Swinton to include a plurality of belts supported on the center portion of the roller as taught by Adelberger because the belts would be harder to derail off the center of the rollers and in addition provide a continuous contact point with the currency as the currency is moved over the rollers to the exit through the opening.

21. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swinton in view of Koshida in view of Ebihara in view of Adelberger as applied to claim 8 above, and further in view of Meyer et al. (U.S. Patent Number 5,797,599).

22. Referring to claims 9, 10 and 11. See above. Meyer discloses an apparatus wherein the presenter includes at least one rail (30), wherein the at least one rail (30) (Figure 3) has a flexible end (belt 30) adjacent the outlet (72), wherein the presenter is

operative to pass notes (132) between at least one flexible end and the rollers (144; see Figure 11), wherein the positional relationship of the at least one flexible end (belt 30) and the rollers (144) is operative to impart a wavy configuration (Figure 2) to notes passing there between and dispense the media to outlet (72; Figure 10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Swinton in view of Koshida in view of Ebihara in view of Adelberger to include a belt rail to act as a conveyor to dispense notes from one end of the media presenter to the outlet as taught by Meyers because a continuous belt rail conveyor will provide better control of the moving currency notes as each of the notes is removed and conveyed through the apparatus, thus preventing jamming of the notes in the transition.

***Allowable Subject Matter***

23. Claims 12-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rakesh Kumar whose telephone number is (517) 272-8314. The examiner can normally be reached on 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/22/2005  
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